

REMARKS

Applicants have studied the Office Action dated July 27, 2004, and have made amendments to the claims. Claims 1-7 and 10-15 are pending. Claims 1 and 10 are independent claims. New claims 10-15 have been added. Claims 1, 4 and 7 have been amended. Claims 8 and 9 have been canceled without prejudice. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to Drawings

Amendments have been made to the figures in order to correct typographical errors and more clearly define the invention. No new matter has been added as the amendments have support in the application as originally filed.

Amendments to Specification

Amendments have been made to correct typographical errors and more clearly define the invention. No new matter has been added as the amendments have support in the application as originally filed.

§ 102 Rejections

Claims 8 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Butterworth et al. (U.S. Patent No. 6,005,722). This rejection is respectfully traversed.

With this paper, claims 8 and 9 have been canceled without prejudice. Therefore, it is respectfully asserted that the rejection is moot with respect to those claims and it is further respectfully requested that the rejection be withdrawn.

Claims 1 and 4-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ikeda (U.S. Patent Publication No. 2004/007008). This rejection is respectfully traversed.

With this paper, claims 8 and 9 have been canceled without prejudice. Therefore, it is respectfully asserted that the rejection is moot with respect to those claims and it is further respectfully requested that the rejection be withdrawn.

With this paper, independent claim 1 has been amended to recite an integrated rotation color separator and diffuser and that a color separating coating area and a dispersing material coating area are formed on the rotation color separator such that color separation and speckle prevention functions are integrated. Support for the amendment may be found in the

specification as originally filed at paragraph 0050 and FIG. 7B. It is respectfully submitted that Ikeda fails to disclose an integrated rotation color separator and diffuser as recited by claim 1 of the present invention.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

It is respectfully noted that the Examiner, on page 3 of the Office action, asserts that reference numeral 88 of FIG. 12 and the color wheel disclosed in paragraph 0124 of Ikeda are analogous to the rotation color separator recited in the claims of the present application. It is further respectfully noted that the Examiner, on page 3 of the Office action, asserts that reference numeral 84 of FIG. 12 of Ikeda is analogous to the diffuser recited in the claims of the present application. Moreover, it is respectfully noted that the Examiner, on page 4 of the Office action, asserts that paragraph 0124 of Ikeda discloses "a color separation coating area is formed on the front of the rotation color separator, and a dispersing material coating area is formed on the rear thereof, and then the two area are rotated with a rotation axis, thereby integrating color separation and speckle prevention functions" as recited in claim 7 of the present application.

With respect to reference numeral 88 and reference numeral 84, it is respectfully noted that Ikeda discloses a "diffuser 84" (i.e. diffuser) and "Galvanic scanner 88" (i.e. rotation color separator) that have a "mirror 86" between them such that "laser speckles [are] reduced by the diffuser 84, and via the mirror 86 the signals are spread ... by the Galvanic scanner 88." Ikeda at paragraph 0120 and FIG. 12. It is respectfully submitted that nowhere in Ikeda is it disclosed that the "diffuser 84" and "Galvanic scanner 88" are integrated. Therefore, since a device is disclosed as located between the "diffuser 84" and the "Galvanic scanner 88" and no integration of the "diffuser 84" and the "Galvanic scanner 88" is disclosed, it is respectfully submitted that Ikeda fails to disclose an integrated rotation color separator and diffuser as recited by independent claim 1 of the present invention.

With respect to the "color wheel" disclosed in paragraph 0124 of Ikeda, it is respectfully submitted that nowhere in Ikeda is it disclosed that the "color wheel" is integrated with the "diffuser 84" or any other "diffuser." It is further respectfully submitted that nowhere in Ikeda is it disclosed that a color separating coating area and a dispersing material coating area are formed

on the "Galvanic scanner 88" or the "color wheel" such that color separation and speckle prevention functions are integrated. Therefore, it is respectfully submitted that Ikeda fails to disclose that a color separating coating area and a dispersing material coating area are formed on the rotation color separator such that color separation and speckle prevention functions are integrated as recited by independent claim 1 of the present invention.

It is respectfully asserted that independent claim 1 is allowable over the cited reference. It is further respectfully asserted that claims 4-7, which depend from claim 1, also are allowable over the cited reference.

§ 103 Rejections

Claims 1 and 4-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Butterworth et al. in view of Ikeda. This rejection is respectfully traversed.

As was submitted previously, Ikeda fails to disclose an integrated rotation color separator and diffuser as recited by independent claim 1 of the present application and, therefore, independent claim 1 is allowable over Ikeda. It is respectfully submitted that Butterworth et al. fails to cure the previously submitted deficiencies of Ikeda with respect to claim 1.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

It is respectfully noted that the Examiner, on page 5 of the Office action, asserts that reference numeral 314 of FIGS. 14-16 of Butterworth et al. is analogous to the rotation color separator recited in the claims of the present application. It is further respectfully noted that the Examiner, on pages 5-6 of the Office action, asserts that reference numeral 34 of FIG. 2 of Butterworth et al is analogous to the diffuser recited in the claims of the present application. Moreover, it is respectfully noted that the Examiner, on page 6 of the Office action, asserts that reference numeral 314 of FIGS 14-16 and col. 9, ll. 50-55 of Butterworth et al disclose "a color

separation coating area is formed on the front of the rotation color separator, and a dispersing material coating area is formed on the rear thereof, and then the two area are rotated with a rotation axis, thereby integrating color separation and speckle prevention functions” as recited in claim 7 of the present application.

With respect to reference numeral 314 and reference numeral 34, it is respectfully noted that Butterworth et al. discloses a “color wheel 314” (i.e. rotation color separator) which “may be used in an optical display system” and further discloses that FIG. 2, in which “diffuser element 34” (i.e. diffuser) is shown, illustrates the “optical train 16” of the “on-axis optical display system 10” of FIG. 1. Butterworth et al. at col. 3, ll. 41-43, col. 4, ll. 58-62, col. 9, ll. 1-59 and FIGS. 1, 2 and 14-16. It is further respectfully noted that a “color wheel 14” is disclosed as part of the “on-axis optical display system 10.” Butterworth et al. at col. 3, ll. 41-43.

However, it is respectfully submitted that the “optical train 16,” of which the “diffuser element 34” is a part, and the “color wheel 14” are illustrated as separate elements of the “on-axis optical display system 10” of FIG. 1 and that nowhere in Butterworth et al. are they disclosed as being integrated. It is further respectfully submitted that there is no diffuser disclosed in FIGS. 14-16 of Butterworth et al. Therefore, since no integration of the “color wheel 14” or “color wheel 314” with the “diffuser element 34” is disclosed, it is respectfully submitted that Butterworth et al. fails to disclose an integrated rotation color separator and diffuser as recited by independent claim 1 of the present invention.

With respect to the Examiner’s assertion that Butterworth et al. discloses that “a color separation coating area is formed on the front of the rotation color separator, and a dispersing material coating area is formed on the rear thereof ... thereby integrating color separation and speckle prevention functions,” it is respectfully submitted that nowhere in Butterworth et al. is it disclosed that a color separating coating area and a dispersing material coating area are formed on the “color wheel 14” or “color wheel 314” such that color separation and speckle prevention functions are integrated. Therefore, it is respectfully submitted that Butterworth et al. fails to disclose that a color separating coating and a dispersing material are formed on the rotation color separator such that color separation and speckle prevention functions are integrated as recited by independent claim 1 of the present invention:

It is respectfully asserted that independent claim 1 is allowable over the cited references. It is further respectfully asserted that claims 4-7, which depend from claim 1, also are allowable over the cited references.

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Butterworth et al. in view of Ikeda and Roddy et al. (U.S. Patent No. 6,648,475). This rejection is respectfully traversed.

As was submitted previously, Ikeda and Butterworth et al. fail to disclose an integrated rotation color separator and diffuser as recited by independent claim 1 of the present application and, therefore, independent claim 1 is allowable over Ikeda and Butterworth et al. It is respectfully submitted that Roddy et al. fails to cure the previously submitted deficiencies of Ikeda and Butterworth et al. with respect to claim 1.

It is respectfully submitted that the Examiner has not asserted nor is disclosure found in Roddy et al. of an integrated rotation color separator and diffuser and that a color separating coating area and a dispersing material coating area are formed on the rotation color separator such that color separation and speckle prevention functions are integrated. Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited references. It is further respectfully asserted that claims 2 and 3, which depend from claim 1, also are allowable over the cited references.

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of Roddy et al. This rejection is respectfully traversed.

As was submitted previously, Ikeda and Roddy et al. fail to disclose an integrated rotation color separator and diffuser as recited by independent claim 1 of the present application and, therefore, independent claim 1 and dependent claims 2 and 3 are allowable over Ikeda and Roddy et al.

New Claims

New claims 10-15 have been added. Support for the new claims is found in the specification as originally filed. Applicant respectfully asserts that the claims, which recite similar limitations as claims 1-7, are in condition for allowance for the reasons identified herein with respect to those claims.

CONCLUSION

In light of the above remarks, Applicant submits that claims 1-7 and 10-15 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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Encl: Substitute Figures 5 and 7A

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IN THE DRAWINGS:

Substitute drawing sheets are enclosed for FIGS. 5 and 7B to replace the original drawing sheets filed with the application. No new matter has been added. Specifically, reference number "51" and the associated leadlines have been deleted from FIG. 5, reference number "540" has been changed to "440" in FIG. 5 and reference number "430" has been added to FIG. 7B.